

1 2. This matter is presently set for a status regarding preliminary hearing or arraignment at
2 1:30 p.m. on February 26, 2021. The parties continue to discuss resolving this case pursuant to a pre-
3 indictment resolution and desire to continue that appearance to March 5, 2021, and exclude time as set
4 forth below.

5 3. The parties now file this stipulation to request a court order regarding the exclusions of
6 time regarding the timing of any preliminary hearing under Federal Rule of Criminal Procedure 5.1, and
7 the timing for indictment or trial under the Speedy Trial Act, until the requested status conference
8 appearance on March 5, 2021.

9 4. The government has produced discovery relating to defendant's arrest and criminal
10 history. The government and defendant are exploring the potential for a pre-indictment disposition.
11 Counsel for defendant requires additional time to review discovery and discuss and advise the defendant
12 regarding the evidence, including as to the merits of a potential pre-indictment disposition and the merits
13 of proceeding to trial.

14 5. The present rules governing visits to Santa Rita Jail and the need for the defense to
15 schedule meetings with defendant further support the requested exclusions of time. Thus, with the
16 consent of defendant, counsel for defendant represents that additional time is necessary to review the
17 discovery in this action, confer with defendant, conduct and complete an independent investigation of
18 the case, and prepare for trial in the event that a pre-indictment resolution does not occur.

19 6. Defense counsel represents that defendant understands that he has a right under 18 U.S.C.
20 § 3161(b) to be charged by information or indictment with the offense alleged in the pending criminal
21 complaint and that defendant knowingly and voluntarily waives the time to be charged by indictment or
22 information from Speedy Trial Act calculation until March 5, 2021. Defense counsel further represents
23 that his client knowingly and voluntarily waives the timing for a preliminary hearing under Federal Rule
24 of Criminal Procedure 5.1 until the requested status hearing date of March 5, 2021.

25 7. For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal
26 Procedure for preliminary hearing, and the date under the Speedy Trial Act by which defendants must be
27 charged by indictment or information, the parties agree that the time period of February 26, 2021, to
28 March 5, 2021, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(b), (h)(7)(A), (h)(7)(B)(i)

1 and (h)(7)(B)(iv) because the delay results from a continuance granted by the Court at defendants'
2 request, without government objection, on the basis of the Court's finding that: (i) the ends of justice
3 served by the continuance outweigh the best interest of the public and defendants in the filing of an
4 information or indictment within the period specified in 18 U.S.C. § 3161(b); and (ii) failure to grant the
5 continuance would unreasonably deny defense counsel the reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence.

7 8. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy
8 Trial Act dictate that additional time periods be excluded from the period within which an information
9 or indictment must be filed.

10 9. Based on his communications with the defendant, defense counsel represents that
11 defendant desires to set this matter for a status hearing regarding preliminary hearing or arraignment on
12 March 5, 2021, and agrees to the stipulations expressed in this filing, for all of the reasons described in
13 this stipulation. The undersigned Assistant United States Attorney certifies that he has obtained
14 approval from counsel for the defendant to file this stipulation and proposed order.

15 IT IS SO STIPULATED.

16 DATED: February 24, 2021

Respectfully Submitted,

17 DAVID L. ANDERSON
18 United States Attorney

19 /s/ Thomas R. Green
THOMAS R. GREEN
20 Assistant United States Attorney

21 /s/ Joyce Leavitt
22 JOYCE LEAVITT
23 Attorney for Vandrick Andre Jones
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~~[PROPOSED]~~ ORDER

The Court has read and considered the Stipulation Continuing Status Conference and Excluding Time Until March 5, 2021, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the exclusions of time outweigh the best interest of the public and defendants in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the exclusions of time would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

THEREFORE, FOR GOOD CAUSE SHOWN:

The Court sets this matter for a status hearing regarding preliminary hearing or arraignment on March 5, 2021. The time period of February 26, 2021, to March 5, 2021, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b), and the time by which any trial must commence pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). The Court also finds that defendant waives the timing by which a preliminary hearing must be held pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure for the time period of February 26, 2021 through March 5, 2021. Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

IT IS SO ORDERED.

February 25, 2021

DATE


HONORABLE VIRGINIA K. DEMARCHI
UNITED STATES MAGISTRATE JUDGE